

PLANNING COMMITTEE

Monday 16 January 2012

Present:

Councillor Bialyk (Chair)
Councillors Macdonald, P J Brock, Clark, Denham, Edwards, Mrs Henson, Mrs Morrish,
Newby, Prowse, Spackman, Sutton and Winterbottom

Also Present:

Director Economy and Development, Head of Planning and Building Control, Development
Manager, Planning Solicitor, Area Planner (MH) and Member Services Officer (HB)

1 **MINUTES**

The minutes of the meeting held on 31 October 2011 were taken as read and signed by the Chair as correct.

2 **DECLARATIONS OF INTEREST**

Members declared the following personal interests:-

COUNCILLOR	MINUTE
Newby	4 (lives close to the application site)
PJ Brock and Prowse	5 and 6 (Members of Devon County Council)
R Hannaford	6 (Member of Devon County Council)

3 **PLANNING APPLICATION NO.11/1737/03 - RED HOUSE, 2 WHIPTON VILLAGE ROAD, EXETER, EX4 8AR**

The Development Manager presented the planning application for the change of use from hotel to hostel at the Red House, 2 Whipton Village Road, Exeter.

Members were circulated with an update sheet giving details of four additional letters of objection which had not raised any new issues and a formal response from the Police Architectural Liaison Officer suggesting a number of conditions relating to the overall management of the facility with specific reference to provision of CCTV, security lighting, key management, provision of security doors and windows and staffing arrangements. It was proposed to amend condition three accordingly to ensure that the above mentioned were included within the management scheme.

The recommendation was for approval, subject to the conditions as set out in the report.

Councillor Taghdissian, having given notice under Standing Order No. 44, spoke on this item. He raised the following points:-

- it was clear from the public meeting that there is strong opposition to the proposal, with concerns expressed by those immediately affected by the proposal, those in the immediate vicinity as well as the wider community. The number attending an earlier public meeting on the matter - 250 - reflected the level of concern

- main concerns are in respect of the potential for crime and disorder and anti social behaviour
- to state that those in need of housing do not have a propensity for anti social behaviour is not a sufficient reason for supporting the use of the Red House as a hostel
- the occupants will be free to come and go at all times
- the recommendations do not adequately cover the concerns raised by the Police Architectural Liaison Officer. Those concerns need to be taken on board
- the local area already experiences disturbances late at night
- residents of the neighbouring care home may suffer disturbance
- statement that the hotel currently caters for a large number of occupants and that there will not therefore be a significant increase in numbers as a result of the change of use to a hostel is misleading. If the hotel was thriving there would be little incentive to change the use
- there is a feeling locally that the decision of the Committee is a 'foregone conclusion'
- opposition from businesses in the Whipton Village area who believe that their trade will suffer. They anticipate that many residents in the area will be reluctant to visit their businesses because of fear of anti social behaviour
- the statement that there have been a limited number of 999 calls in respect of the other hostel operated by the applicant - Trailways - is misleading as any 999 calls should be a cause for concern.

The Chair clarified that there was no question of Members having already come to a view on the application.

Councillor Martin, having given notice under Standing Order No. 44, spoke on this item. He raised the following points:-

On behalf of the applicant:-

- applicant will continue to accommodate clients of the City Council and County Council
- a full consultation of local residents had been undertaken. Only two phone calls had been made to the applicant arising from the 700 letters sent
- it had been unclear at the public meeting that the attendance register was to be used as a petition opposing the proposal and thus the perceived level of objection had been exaggerated
- majority of opponents are not aware of the precise nature of the facility - it will not be a bail hostel or night shelter
- no complaints had been received in respect of existing facility - Trailways - operated by the applicant
- will ensure high management standards which will be superior to bed and breakfast accommodation
- will work closely with both the City and County Councils to provide housing for the homeless. Everyone should have a place to live and an important social service will be made available in support of individuals experiencing difficult times
- not for financial gain, otherwise could sell the site to a developer.

Comments of Councillor Martin:-

- level of response to the proposal reflects a thorough and successful consultation
- housing the homeless should not be a party political issue

- 20 years of experience in homeless work in London with the GLC
- referred to a number of examples of homeless individuals he had dealt with as a Councillor, pointing out that homelessness can affect any member of society
- homelessness is a City wide issue and the provision of a new facility therefore reduces the overall number of homeless in Exeter
- proposal for a hostel had been discussed at an early stage in the area at coffee mornings and at the public meeting
- statistics relating to calls to Police in respect of the Trailways establishment can distort the true picture
- an unannounced visit to Trailways had found the facility to be of a high standard
- hostel will be dealing with a number of vulnerable people, some of whom are young. All deserve the best possible care

Councillor Dawson, having given notice under Standing Order No. 44, spoke on this item. She raised the following points:-

- speaking on behalf of residents in Whipton Village
- significant number of objectors and 41 signatories to petition. High percentage of elderly in the area are concerned and feel intimidated regarding potential for anti social behaviour
- fear of crime and impact on residential amenity of area
- a Section 30 dispersal order was operational in the area until November 2011
- conversion to a hostel will have a negative impact on community cohesion of Whipton Village
- there will be a negative impact on local businesses as residents' incentive to continue custom will be reduced
- Red House is a gateway to Whipton Village
- comments from Vranck House owners that planning consent should not impact adversely on the character of area
- although few problem incidents reported in respect of Trailways, the propensity for crime from individuals housed at the Red House is not reduced. Although five incidents a year at Trailways is small, five disturbances, either at day or night, is still too many
- the Red House is currently not in full occupation as a hotel
- use of CCTV acknowledges potential for crime and disorder but is a sensible proposal
- recommend refusal of the application as overwhelming opinion of residents is to strongly object to the application

If approval is to be given, regard should be had to the following matters:-

- incorporate concerns of the Police Architectural Liaison Officer into conditions
- there should be a limit on the number of bed spaces as the current proposal does not make it clear whether rooms can only accommodate single individuals or whether couples or families will be accommodated
- permission to be made personal to the applicant
- measures are necessary to prevent people gathering on the low boundary wall
- a change to the management agreement to include an appropriate mechanism for monitoring visitors, use of CCTV cameras and the employment of an appropriately qualified duty manager

- monitoring of numbers and nature of client base is necessary as these will change over time and there is no guarantee that they do not have a propensity for crime and anti social behaviour
- registration of visitors
- curfew on occupants
- hostel should be fit for purpose and attention is required to problems reported in respect of a drainage overflow to eliminate any environmental health risk

The Development Manager responded as follows to the specific points above:-

- limiting occupation to individuals could increase potential for those problems which form the main thrust of the objections - that of crime and disorder - which are more likely from individuals than any families being housed
- Government advice discourages personal consent as planning permission reflects land use and agreeing to specific personal use would be the exception to the normal policy stance
- registration of individual tenants would be outside planning controls
- registration of visitors is also outside planning controls
- a curfew is inappropriate
- it was not envisaged that the proposed change of use would substantially change the drainage issues in the area

Mr Montford spoke against the application. He raised the following points:-

- proposals to expand the Red House have been raised in the past and it can be anticipated that the new owners may submit similar expansion proposals
- insufficient public consultation was carried out on the current application
- the Red House is likely to have double the number of residents than Trailways and is in a more prominent position
- possibility of in excess of 28 young people occupying the facility which is in close proximity to the Half Moon pub;
- as Exeter City Council and Devon County Council control occupancy, both should be able to guarantee high risk residents will not occupy the facility
- if it is claimed that the residents will not be likely to cause anti social problems etc, why are security measures, such as CCTV, necessary
- likely to be in the region of 100 residents staying at the Red House per year and this will impact adversely on the community
- residents would prefer to continue to support local shops and businesses but are likely to reduce their visits from fear of anti social behaviour etc.
- Whipton Village is currently a well balanced community but this is likely to change if approval is granted
- a hostel in this location could stigmatise the whole area
- there is a fear locally that approval of the application is a foregone conclusion
- there will be a detrimental impact on the adjacent care home
- Red House is regarded as an iconic feature of this part of the City which will be lost if a hostel is allowed
- accept that a facility of this nature should be provided for Exeter but not in this location
- Red House and Trailways are not comparable as they are of a different scale and the character of the areas within which they are located are very different
- if permission is to be granted, a limit on the number of occupants is requested

Members suggested that a liaison group be established comprising local Members, the owner, representatives of Whipton Community Association and the Police to consider the specific concerns of residents and to agree on the number of bed spaces and a scheme of external works. With regard to the former, the Development Manager advised that there were 18 rooms in all, with only seven on the first and second floors. He stated that negotiations could be held with the applicant to limit the total number of bed spaces. This however would be dependent on the extent to which accommodation for family units was proposed.

RESOLVED that the application for change of use from hotel to hostel be **approved** subject to the following conditions (condition 3 to incorporate the comments of the Police Architectural Liaison Officer and a limit on the number of bed spaces) and a scheme for external works, with the details of the condition to be circulated to the Committee Members prior to issue of permission:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on the 20 October 2011 (*dwg.no(s). 1026/01, 1026/02 and 1026/03*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) The Development hereby permitted shall not be occupied until the City Council has agreed in writing a Management Scheme submitted by the applicant and the agreed measures have been put in place. The Management Scheme shall include the following: (A) details of the management arrangements for the property, including procedures for dealing with (i) management problems, (ii) anti-social behaviour, (iii) noise, (iv) fires or other emergencies; (B) details of how the recommendation of the Police Architectural Liaison Officer, set out in her letter to the Council dated 10 January 2012, have been and will be implemented; (C) the maximum number of bed spaces to be occupied at any one time; and (D) the establishment of a Liaison Group to include the owner or manager of the premises, Local Ward Councillors and representatives of the Police and local community groups. Occupation shall be managed in accordance with the approved scheme.
Reason: To help protect the existing residential amenity standards currently enjoyed by neighbouring properties.
- 4) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained thereafter.
Reason: To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.

(Report circulated)

**PLANNING APPLICATION NO.11/1291/01 - SEABROOK ORCHARDS
(FORMERLY LAND TO NORTH OF TOPSHAM TOWN AFC GROUND),
TOPSHAM ROAD, TOPSHAM, EXETER**

Councillor Newby declared a personal interest as he lives close to the application site.

The Area Planner presented the application for development of up to 700 dwellings and supporting infrastructure including: primary school, community building; doctors surgery and primary healthcare facilities; local store; care home/s; two access junctions on Topsham Road, roads, parking and associated works, sports fields and pavilion; informal open space; paths and cycle routes; landscaped spaces; play spaces; play areas, orchards and allotments; three metre high landform and acoustic fence at boundary with M5; surface water attenuation features; re-alignment of the Seabrook and re-profiling of channel (all matters reserved for future consideration apart from access) at Seabrook Orchards, Topsham Road, Topsham, Exeter.

Members were circulated with an update sheet giving details of an additional letter of support stressing the overwhelming need for additional housing and the desirability of accommodating this within existing towns.

The recommendation was to approve the application having had regard to the Environmental Impact Assessment submitted with the application and the representations made about the environmental effects of the development and subject to a Section 106 agreement and conditions as set out in the report. An additional condition was proposed requiring completion of works for the disposal of sewage from the site in accordance with details to be agreed with the local planning authority, prior to the occupation of any dwellings.

Mr Richard Wald, representing Dukeminster (an adjoining landowner), spoke against the application. He tabled plans relating to the highway network and relevant ownership status together with a statement from the Exeter Golf and Country Club. Points raised in the Golf Club statement are set out below:-

- at no stage of the pre application process was the Exeter Golf and Country Club consulted by the applicant or their agents. This lack of consultation has led to concerns regarding the design of the proposed development
- the design severely compromises the 'playability' and safety of the golf course. The current layout proposes houses in the most dangerous locations in relation to the playing lines of the golf course; this lack of design consideration is contrary to Local Plan Policy DG4
- the club considers that the proposed development fails to properly consider the amenity of the golf course and furthermore that the current design would give rise to objections from future residents with regard to noise and safety concerns; contrary to Local Plan Policy DG4
- the club has sought unsuccessfully to reach agreement with the applicants in respect of modifications to the layout and/or inclusion of safety measures.
- the club is a significant employer and tourism attraction. It is specifically mentioned in the Core Strategy submission document as being a facility of regional importance. It is considered that this planning application endangers the future of a key economic driver for Exeter.
- it is clear that officers recognise there is a genuine safety issue given that Condition 27 has been proposed; however, the condition is wholly inadequate to deal with this issue. The Exeter Golf and Country Club urge the Committee to refuse this planning application or defer the application to allow for amendments to Condition 27 to protect the operations of the club.

On behalf of Dukeminster, Mr Wald stated that the vehicular link to the new link road should be provided at the outset of the development in order to alleviate traffic congestion in Topsham Road and the Countess Wear roundabout. He stated that the link was essential for eight reasons each of which on its own would justify a legal challenge to the soundness of any planning approval granted. He added that it was likely that his client would seek judicial review of any planning consent granted. He began to outline the eight concerns although these were not all delivered within the allotted time. He stated that:-

- his clients had no objection to the development in principle, provided that traffic issues were dealt with properly
- the Authority had failed to consider properly the issue of pedestrian safety and traffic congestion
- the Authority had failed to have regard to the traffic generated by the non residential elements of the scheme. Proposed condition 36 referred only to dwellings
- the Authority falsely assume that the traffic generated by the scheme would be reduced by permeability
- the Authority had failed to take account of the fact that a large part of the development would be more than 400 metres from the bus stops in Topsham Road and consequently overestimated the extent of likely bus usage
- it was contradictory to require a connection to the link road at 650 dwellings whilst at the same time having regard to the “worst case scenario” of no link being made
- since the justification for late delivery of the link road was made on the basis of deliverability, evidence relating to viability should, as a matter of a fairness, be openly available
- the Authority had failed to adequately address issues regarding the traffic modelling as raised by his client’s retained highway consultant
- it cannot be assumed that a connection to the link road will be made available by his client

Mr Shaw (agent) spoke in support of the application. He raised the following points:-

- the proposal is an exemplar scheme offering a mix of high quality homes
- the development can offer a range of facilities including school, allotments, community open space, cycle and pedestrian links and a MUGA
- includes a comprehensive package of sustainable transport solutions
- the traffic modelling had been checked by Devon County Council
- connection will be provided to the link road
- cycle and pedestrian links will help reduce reliance on car transport and therefore reduce car journeys
- encourages health and well being
- development includes affordable housing as well as social housing
- agreement in principle had been reached with the Exeter Golf and Country Club regarding measures necessary in the north of the development site to reduce the impact on two holes on the golf course

The Highway Authority’s (Devon County Council’s) Development Manager Highways and Transport confirmed that a full analysis had been undertaken of the transportation implications of the proposal and that the concerns of the objector had been properly considered. He stated that objection could always be anticipated in respect of traffic studies because of the imprecise nature of traffic modelling.

He concluded that the impact of the development on Topsham Road and Countess Wear roundabout was acceptable and that the Highway Authority could not substantiate an objection. In response to a question from a Member regarding Mr Wald's allegation that the analysis had not taken into account the traffic generated by the community facilities, he stated that, whilst he had not personally undertaken the analysis, it was his understanding that all traffic movements had been taken into account.

A number of Members spoke in favour of the proposal, commenting on the quality of the layout, the creation of a new community and the benefit to the area of a new school and community centre.

RESOLVED that, having had regard to the Environmental Impact Assessment submitted with the application and the representations made about the environmental effects of the development, the application for development of up to 700 dwellings and supporting infrastructure including: primary school, community building; doctors surgery and primary healthcare facilities; local store; care home/s; two access junctions on Topsham Road, roads, parking and associated works, sports fields and pavilion; informal open space; paths and cycle routes; landscaped spaces; play spaces; play areas, orchards and allotments; 3m high landform and acoustic fence at boundary with M5; surface water attenuation features; re-alignment of the Seabrook and re-profiling of channel (all matters reserved for future consideration apart from access) be **approved** subject to the completion of a Section 106 Agreement securing the matters set out in the circulated report and the following conditions:

- 1) C01 - Standard Outline
- 2) The development hereby approved must be begun within five years from the date of the grant of outline planning permission, or two years from the final approval of the reserved matters, whichever is the later.
Reason: To ensure compliance with section 91 - 92 of the Town and Country Planning Act 1990.
- 3) C15 - Compliance with Drawings
- 4) Notwithstanding drawing nos. 17329/001/012 Rev F and 17329/001/013 Rev B detailed drawings of the design and layout of the two new junctions on Topsham Road shown on Masterplan drawing no. PLAN004 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on site.
Reason: To ensure that the detailed designs of the junctions are acceptable and take into full consideration the needs of cyclists and pedestrians as well as motorised vehicles (including public transport vehicles).
- 5) Unless otherwise agreed in writing by the Local Planning Authority 'reserved matter' applications submitted pursuant to this outline approval shall be in broad accordance with the Masterplan drawing no. PLAN004.
Reason: To ensure that the design and layout of the development is approached comprehensively and achieves a high quality design that creates a unique sense of place for this significant urban expansion of Exeter in line with the submitted Planning, Design and Access Statement dated July 2011.
- 6) Prior to the submission of any reserved matters application a detailed set of design codes for the various character areas identified in Section 5.7 of the submitted Planning, Design and Access Statement dated July 2011 shall be

submitted to, and be approved in writing by, the Local Planning Authority. The design codes shall be based upon the principles already identified for each character area within that document. Thereafter subsequent reserved matter applications shall conform to the detailed design codes approved pursuant to this condition.

Reason: To ensure that the detailed design and layout of the development is approached comprehensively and achieves a high quality design that creates a unique sense of place for this significant urban expansion of Exeter in line with the submitted Planning, Design and Access Statement dated July 2011.

- 7) Prior to the commencement of the development a detailed phasing plan based on that identified on page 83 of the submitted Planning, Design and Access Statement dated July 2011 shall be submitted to, and be approved in writing by, the Local Planning Authority. The phasing plan shall specify the proposed timing for the undergrounding of the high voltage electricity cable, the re-profiling and re-alignment of the Seabrook, and the delivery of the areas of public open space/green infrastructure as well as the construction programme for the housing and other built elements of the development.
Reason: To ensure that the development proceeds in accordance with an agreed programme of delivery and that within individual phases the open space associated with the development is co-ordinated with the construction of the houses which it will serve.
- 8) None of the dwellings/buildings within any phase of the development over sailed by the existing high-voltage power line to be undergrounded as part of the application shall be occupied/brought into use until that power line has been removed from overhead in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of residential amenity.
- 9) All of the dwellings constructed pursuant to this application shall be designed to at least meet the standards specified in Level 3 of the Code for Sustainable Homes published in 2008. A Code Post Completion Certificate shall be submitted to the Local Planning Authority within 6 months of the substantial completion of the development hereby approved.
Reason: In the interests of sustainable development and to ensure that the development is consistent with the objectives for sustainable development set out in PPS1 – Delivering Sustainable Development and PPS22 - Renewable Energy.
- 10) Prior to commencement of the development a scheme for generating a minimum of 20% of the predicted energy requirement of the development from on-site renewable or low carbon energy sources shall be submitted to, and be approved in writing by, the Local Planning Authority. The approved scheme shall be implemented before the dwellings are first occupied and shall thereafter be maintained so that it provides the required level of generation.
Reason: To ensure that the development contributes towards the achievement of sustainable development in accordance with guidance contained in PPS1 – Delivering Sustainable Development and PPS22 - Renewable Energy and that the scheme is developed in such a way as to reduce reliance on non-renewable energy sources and maximise energy efficiency in the interest of sustainable development.

- 11) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development aside from that contained within Part 40 shall be carried out within the curtilage of the dwelling(s) without the formal consent of the Local Planning Authority.
Reason: In order to protect the visual and residential amenities of the surrounding area and to prevent overdevelopment.
- 12) C34 - Landscape Scheme - Outline
- 13) C38 - Trees - Temporary Fencing
- 14) C36 - No Trees to be Felled
- 15) The development shall not begin until full details of all drainage works associated with the development have been submitted to, and approved in writing by, the Local Planning Authority. These details should include full details of the proposed surface water drainage scheme and demonstrate how the scheme has followed the recommendations contained in the Flood Risk Assessment dated February 2011 submitted in support of this application.
Reason: To ensure the satisfactory drainage of the development.
- 16) C57 - Archaeological Recording
- 17) No development shall take place on any individual phase of the site identified pursuant to Condition 7 until a full survey of the site has taken place to determine the extent of contamination of the land and the results together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. In respect of each phase the buildings shall not be occupied or the open spaces landscaped until the approved remedial works relating to that phase of the development have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that the site is in such a condition as to be suitable for the proposed use.
Reason: In the interests of the amenity of the occupants of the buildings and users of the facilities hereby approved
- 18) Samples of the materials it is intended to use externally in the construction of any individual phase of the development identified pursuant to Condition 7 shall be submitted to the Local Planning Authority and the development of that phase shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- 19) Prior to the commencement of any phase of the development hereby approved details of the location and specifications of any proposed site compound, including any constituent buildings, shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details.
Reason: To ensure that the location and design of any site compound are acceptable in terms of visual and amenity impact.

- 20) Prior to any works commencing on any phase of the development site, a Construction Environmental Management Plan (CEMP) relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimize the creation and impact of noise, vibration, dust, waste resulting from the site preparation and construction phases of development. Once approved the CEMP shall be adhered to at all times, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of the environment of the site and surrounding areas.
- 21) No construction work shall be undertaken, or machinery operated, within the site outside the hours of 0800 to 1800hrs Mondays to Fridays, 0800 to 1300hrs on Saturdays, nor at any time on Sundays or public holidays without the prior written consent of the Local Planning Authority.
Reason: In the interests of the residential amenity of the occupants of surrounding property.
- 22) The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture for any phase of the development identified pursuant to condition 7 shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.
- 23) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, any reserved matters application submitted pursuant to this application shall include details of the proposed location, design and means of enclosure of any electricity sub-stations required as part of the development.
Reason: To ensure that these facilities are incorporated as an integral part of the design and layout of the development and in the interests of the visual amenities of the area.
- 24) H02 - Highways - Provision parking, etc
- 25) No phase of the development hereby approved shall commence until details of the proposed levels of that phase of the development in relation to existing ground levels and an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority. The submitted information shall include ultimate finished floor levels and overall ridge heights of the new buildings in relation to the final road levels.
Reason: In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.
- 26) A comprehensive Travel Plan will be developed for all elements of the development hereby permitted. The acceptability of the travel plan will need to be agreed in writing by the Local Planning Authority and Local Highway Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport), in advance of occupation of the development.

The Travel Plan will need to be prepared in line with prevailing policy and best practice and shall include as a minimum:

- The methods to be employed to meet these targets
- The mechanisms for monitoring and review
- The mechanisms for reporting
- The penalties to be applied in the event that targets are not met
- The mechanisms for mitigation
- Implementation of the travel plan to an agreed time scale or timetable and its operation thereafter
- Mechanisms to secure variation to the Travel Plan following monitoring and reviews.

A review of the targets shall be undertaken within 3 months of occupation of the development, and on an annual basis thereafter, at the time of submission of the Annual Travel Plan Report.

Reason: In order that the development promotes public transport, walking and cycling and limits the reliance on the private car to the benefit of the Strategic Road Network.

- 27) Prior to the commencement of any development in phases 4, 6 or 7 of the development, as identified on the phasing plan on Page 83 of the submitted Planning, Design and Access Statement, a scheme for mitigating the effects of the housing development on the adjacent golf course shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme of works shall then be implemented prior to the occupation of any dwellings in those phases.

Reason: To ensure that appropriate measures are put into place to minimise the potential adverse impact of the development upon the operation of the golf course, and to protect the residential amenity of future occupants of dwellings within these phases of the development.

- 28) Prior to the submission of any reserved matters application pursuant to this consent the site shall be resurveyed to ascertain the presence or otherwise of any badgers setts, and to identify any other badger activity on the site such as feeding/foraging patterns, and the survey shall be submitted to and approved in writing by the Local Planning Authority.

Subsequent 'reserved matters' applications shall clearly demonstrate how the findings of the survey in respect of habitat/feeding/movement of badgers on the site have been protected/enhanced within the design/layout proposed.

Reason: To ensure that the potential impact of the proposal upon badgers is appropriately addressed and mitigated

- 29) Prior to the submission of any reserved matter applications pursuant to this consent a site wide Landscape and Habitat Management Strategy incorporating the recommendations contained in the Environmental Statement dated July 2011 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved document, and each subsequent 'reserved matter' application shall incorporate a statement demonstrating how compliance with the approved Landscape and Habitat Management Strategy has been incorporated/achieved.

Reason: In the interests of securing a comprehensive approach to the preservation and enhancement of the landscape and ecological interest of the site

- 30) Prior to the submission of any reserved matter applications pursuant to this consent all trees on site shall be surveyed to ascertain the presence or otherwise of bat roosts. The survey shall be carried out by an appropriately qualified expert and include proposed mitigation measures where required. The results of the survey and details of any necessary mitigation measures identified shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved document, and each subsequent 'reserved matter' application shall incorporate a statement that prior to any trees being pruned or felled they will be assessed for possible bat interest prior to works being carried out. This should involve inspection of the tree / limbs to be removed for potential roosting opportunities. If bats are found to be using limbs or trees, the advice of a bat consultant should be sought to prevent disturbance / injury to bats which would constitute an offence.
Reason: To comply with the Wildlife and Countryside Act 1981 and amended by the Countryside and Rights of Way Act 2000
- 31) Prior to the commencement of any development within phases 2b or 3 as identified in the phasing plan on page 83 of the submitted Planning, Design and Access Statement dated July 2011 detailed plans, including sections, of the proposed noise attenuation feature along the eastern boundary with the motorway, along with a timeframe for its implementation, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details and no building intended for residential use shall be occupied until the noise attenuation feature has been completed in accordance with the approved details.
Reason: In the interests of the residential amenity of the future occupants of buildings within these phases of the development
- 32) Prior to the commencement of any works affecting the Seabrook watercourse detailed plans, including sections, of the entirety of its re-profiling and re-alignment, along with the proposed landscaping, layout and measures to facilitate public access associated with the creation of the new Seabrook corridor feature shall be submitted to and be approved in writing by the Local Planning Authority. The details shall demonstrate how the flood risk management, wildlife and public recreation functions of the corridor have integrated without detriment to each other. Thereafter the Seabrook corridor shall be provided in phases in accordance with the approved details as part of each related phase of the development in line with details approved pursuant to condition 7.
Reason - To ensure that the proposed works to the Seabrook maximise the potential for recreational use and habitat enhancement and meet flood risk management requirements.
- 33) No development shall take place within any phase of the development site identified pursuant to Condition 7 until a scheme for the mitigation of external noise upon the occupants of buildings within that phase, including details of building orientation, layout and building specifications, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.
Reason: In the interests of the amenity of future occupants of the buildings.
- 34) Prior to occupation of the development hereby permitted, cycle parking shall be provided for all premises in accordance with details previously submitted to and approved in writing by the Local Planning Authority. In the case of

workplaces and other premises, secure parking, showers and lockers should be provided for staff, and more casual parking for short term visitors. The cycle parking and other facilities shall be maintained at all times thereafter.
Reason: to ensure that cycle parking is provided, in accordance with Local Plan policy T3, to encourage travel by sustainable means.

- 35) A road (to an agreed specification) to be built to the Dukeminster boundary north of the school site (at a point to be agreed within the 50m corridor specified in the Dukeminster approval) before the occupation of the 301st house or opening of the school, whichever is the earlier.
Reason: To ensure that the facility to connect the proposed development to adjacent development is made available and not negated by the development.
- 36) Not more than 650 dwellings to be occupied prior to the construction and opening of the northern road connection within the site to the spine road between Topsham Road and the A379.
Reason: to ensure that, when the major part of the proposed development is occupied, the site has appropriate levels of permeability to allow maximum accessibility to and from the site by all residents and all travel modes.
- 37) Prior to commencement of the development, a detailed scheme for the pedestrian and cycle network shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-
- (a) details of routes, road crossings, bridges, surface treatments, lighting, street furniture and signage;
 - (b) a programme for implementation synchronised with the progressive occupation of the development; and
 - (c) such temporary measures as are necessary (such as ramps where routes cross unfinished roads) to ensure the routes are fully usable during the construction period.
- The approved scheme shall be adhered to at all times, including (where applicable) any amendments subsequently agreed in writing by the Local Planning Authority.
Reason: To ensure that the pedestrian and cycle routes are provided and maintained in accordance with Local Plan policy T3, to encourage travel by sustainable means.
- 38) None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority
Reason: To ensure that satisfactory arrangements for sewage disposal are in place before occupation commences

(Report circulated)

5

**VARIATION OF CONDITION NO.11/1533/03 - THE EXEBRIDGE CENTRE,
COWICK STREET, EXETER**

Councillors PJ Brock and Prowse declared personal interests in this matter as Members of Devon County Council.

The Head of Planning and Building Control presented the application for variation of condition 2 to allow minor alterations to the elevations of the approved building and condition 8 to allow the first floor to be used for retail/restaurant/café purposes (Ref: 09/2050/03 granted 23/02/2010) at the Exebridge Centre, Cowick Street, Exeter.

Mr Harding spoke against the application. He raised the following points:-

- no change in circumstances since the application was refused at the December meeting of this Committee
- the developer had increased the rental of the site to the extent that Devon County Council had no option but to withdraw from negotiations
- Devon County Council's current proposal for a temporary library is unsustainable as only a three year lease is being offered and the ultimate proposal for the site was likely to be development for flats
- with a number of empty premises in the St Thomas area deemed inappropriate for a library, the Exebridge site offers the only logical location for a permanent library
- the proposal is contrary to advice contained in the Exeter Local Plan section on community services
- community needs should be put before commercial interests.
- planning powers of City Council should be used to again refuse the application in order to preserve a library facility on this site and force the site owner to lower the rent being demanded.

Members expressed concern regarding the potential for a costs award against the Council if the application was refused and the applicant went to appeal.

The recommendation was for approval subject to the conditions as set out in the report.

RESOLVED that the application for variation of condition 2 to allow minor alterations to the elevations of the approved building and condition 8 to allow the first floor to be used for retail/restaurant/café purposes (Ref: 09/2050/03 granted 23/02/2010) be **approved** subject to the following conditions:

- 1) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 13 September 2011 (dwg. nos.0900 00203 A, 1094/GA/10 rev D, 8672/20, 8672/21 and 8672/22) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 2) The first floor of the approved building shall be used for any purpose within Use Classes A1 (Retail) and A3 (Cafes and Restaurants).
Reason: To accord with the uses appropriate with the St Thomas District Centre.

(Report circulated)

6

DEVON COUNTY COUNCIL CONSULTATION NO.11/2053/26 - 35 CHURCH ROAD, EXETER, EX2 9AZ

Councillors Prowse and P.J. Brock declared personal interests in this matter as Members of Devon County Council.

The Head of Planning and Building Control presented the Devon County Council Consultation for change of use and internal refurbishment of empty former shop building to convert for new library use at 35 Church Road, Exeter.

Councillor R Hannaford, having given notice under Standing Order No. 44, spoke on this item. He declared a personal interest as a Member of Devon County Council. He raised the following points:-

- supported application, as a library is an important community facility for the West Exe
- the new site is better than the existing one with a larger ground floor, closer to a bus stop and car park and better access for the disabled and people with prams
- offers potential for expansion at the back
- corrected the report stating that four full time posts were not being created by the development but that staff were currently on secondment to the Central Library and would return when the new library opened
- the library was close to a busy junction and the County Council should examine options for improved traffic management in this area
- he had accompanied the relevant County Council Cabinet Member, together with the Head of the Library Service, in a tour of the St Thomas area to view potential alternative premises for a permanent library

The Head of Planning and Building Control confirmed that traffic management issues at the crossroads would be raised with the County Council.

The recommendation was for the City Council to raise no objection to the change of use.

RESOLVED that the City Council raise **NO OBJECTION** to the County Council's proposed change of use of the former St Thomas Stationers to a public library.

(Report circulated)

7

APPLICATIONS DEFERRED

The following applications were deferred for consideration at a Special Meeting of this Committee to be held on 30 January 2012:-

11/1748/03	Former A H Moda, 4-5 Roman Walk, Exeter
11/1582/03	Former Guide Dogs For The Blind Kennels, Exwick Lane, Exeter, EX4 2AR

8

TREE PRESERVATION ORDER NO. 637 (WESTHAY, STREATHAM RISE, EXETER) 2011

The report was deferred for consideration at a Special Meeting of this Committee to be held on 30 January 2012.

(Report circulated)

9

PLANNING DECISIONS TAKEN UNDER DELEGATED POWERS AND WITHDRAWN APPLICATIONS

The report of the Head of Planning and Building Control was submitted.

RESOLVED that the report be noted.

(Report circulated)

10

ENFORCEMENT PROGRESS REPORT

The Head of Planning and Building Control presented the report updating Members on enforcement matters.

RESOLVED that the report be noted.

(Report circulated)

11

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(Report circulated)

12

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party be held on Tuesday 7 February 2012 at 9.30 a.m. The Councillors attending will be Clark, Denham and Winterbottom.

(The meeting commenced at 5.30 pm and closed at 9.30 pm)

Chair